

ESTTA Tracking number: **ESTTA530065**

Filing date: **04/02/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054391
Party	Defendant Hal Greene
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Submission	Motion for Summary Judgment
Filer's Name	Amber N. Davis
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Signature	/Amber N. Davis/
Date	04/02/2013
Attachments	Motion for Summary Judgment (040213).pdf (45 pages)(1586753 bytes)

This case is about a Petitioner with an application for a mark very confusingly similar to a registered mark in use, attempting to cancel the registered mark so that Petitioner's mark will be issued. Petitioner has failed to timely respond to Registrant's Request for Admissions. Pursuant to Federal Rule of Civil Procedure 36 and the relevant case law cited herein, Registrant's Request for Admissions are now deemed admitted. Based on Petitioner's admissions that: (1) Registrant did not abandon its MEET.COM mark; (2) Registrant was in fact using its MEET.COM mark in October of 2004 as alleged in its registration; (3) Petitioner does

not have a bona fide intent to use the MEET Mark in association with the goods and services listed in its Application; (4) Petitioner has no evidence that the Registrant committed fraud on the USPTO; (5) MR. TIMOTHY PITKA is not the owner of the MEET Mark; (6) There is a likelihood of confusion between the MEET Mark and the MEET.COM Mark; (7) Petitioner does not have standing to file the instant cancellation proceeding; (8) Registrant would be damaged if Petitioner were able to obtain a registration for its MEET Mark; and (9) Petitioner's trademark application is *void ab initio*, summary judgment should be entered in favor of Registrant.

II. UNDISPUTED FACTS

1. Petitioner filed a Petition for Cancellation of Registrant's mark for MEET.COM with the Trademark Trial and Appeal Board on August 19, 2011. (Doc. No. 1).

2. The Trademark Trial and Appeal Board granted the petition to cancel Registrant's MEET.COM mark for no appearance having been entered in response to service by publication in the Official Gazette on December 12, 2011. (Doc. No. 2).

3. Counsel for Registrant filed a Notice of Appearance on behalf of Registrant on February 6, 2012. (Doc. No. 3).

4. Registrant filed its Response in Opposition to show Cause Order, Motion for Relief from Default Judgment and Motion to Re-Open the Proceedings on February 6, 2012. (Doc. No. 4).

5. Registrant appealed to the United States Court of Appeals for the Federal Circuit from the Final Judgment in the Trademark Trial and Appeal Board ("TTAB") on February 9, 2012. (Doc. No. 5).

6. Registrant filed a Motion to Stay the Appeal and Remand to the TTAB for Ruling on Registrant's 60(b) Motion for Relief from Final Judgment on February 9, 2012. (Doc. No. 6).

7. The United States Court of Appeals for the Federal Circuit issued an Order granting the motion to remand on June 21, 2012. (Doc. No. 7).

8. Registrant filed a Renewed Motion for Relief from Final Judgment and Motion to Re-Open the Proceedings on September 18, 2012. (Doc. No. 8).

9. The United States Department of Commerce Patent and Trademark Office sets aside the order canceling Registrant's registration and reinstated Registration No. 3088340 on September 21, 2012. (Doc. No. 9).

10. The TTAB granted Respondent's Motion for Relief from Judgment and reset all dates on October 25, 2012. (Doc. No. 10).

11. On February 12, 2013, Registrant served its First Request for Admissions¹ on Petitioner, via US Mail and Electronic Mail.

12. A true and correct copy of the email correspondence sent to counsel for Petitioner, Mr. Barritt, is attached hereto as Exhibit "B".

13. As seen from previous email correspondence with Mr. Barritt and the records on file with the USPTO, this is the correct email address for Mr. Barritt. *See* Exhibit "C".

14. Accounting for mailing time, Petitioner's responses to Registrant's Requests for Admissions were due on March 18, 2013.

15. It is now April 2, 2013, fifteen (15) days later, and Registrant has not received any response to its Requests for Admissions.

16. Petitioner's failure to respond to Registrant's Request for Admissions results in the admission of the following facts², which are conclusively established for the purposes of this

¹ A true and correct copy of Registrant's First Request for Admissions is attached hereto as Exhibit A.

motion: (a) Registrant has in fact used its MEET.COM mark in association with Internet dating services³; (b) Registrant was in fact using its MEET.COM mark in October of 2004 as alleged in its registration⁴; (c) Registrant did not abandon its MEET.COM mark⁵; (d) even if there were periods of non-use, Registrant always had an intent to resume use of the MEET.COM mark⁶; (e) Petitioner has no evidence, other than screenshots from archive.org to prove that Registrant did not use its MEET.COM Mark⁷; (f) Petitioner does not have a bona fide intent to use the MEET Mark in association with the goods and services listed in its Application⁸; (g) MR. TIMOTHY PITKA is not the owner of the MEET Mark⁹; (h) MR. TIMOTHY PITKA does not have a bona fide intent to use the MEET Mark in commerce¹⁰; (i) the MEET Mark is owned by an individual or entity other than MR TIMOTHY PITKA¹¹; (j) there is a likelihood of confusion between the MEET Mark and the MEET.COM Mark¹²; (k) Petitioner has no evidence that the Registrant committed fraud on the USPTO¹³; (l) Registrant would be damaged if Petitioner were able to obtain a registration for its MEET Mark¹⁴; (m) Petitioner has never used the MEET Mark in

² Fed. R.Civ. P. 36(b); *See Texas Department of Transportation v. Tucker*, 95 USPQ2d 1241 (TTAB 2010) (admission conclusively establishes matter that is the subject of request for admission, subsequent argument to the contrary in response brief insufficient to raise genuine issue of material fact); *Fountain of Youth Properties, Inc. v. Laura Pucktt*, Opposition No. 91163924 (TTAB 2005) (If a party upon which requests for admission have been served fails to file a timely response thereto, the requests will stand admitted); *Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc.*, 14 USPQ2d 2064 (TTAB 1990).

³ *See* Exhibit A, Request for Admission #1.

⁴ *See* Exhibit A, Request for Admission #2.

⁵ *See* Exhibit A, Request for Admission #3.

⁶ *See* Exhibit A, Request for Admission #4.

⁷ *See* Exhibit A, Request for Admission #5.

⁸ *See* Exhibit A, Request for Admission #6.

⁹ *See* Exhibit A, Request for Admission #7.

¹⁰ *See* Exhibit A, Request for Admission #8.

¹¹ *See* Exhibit A, Request for Admission #9.

¹² *See* Exhibit A, Request for Admission #10.

¹³ *See* Exhibit A, Request for Admission #11.

¹⁴ *See* Exhibit A, Request for Admission #12.

commerce¹⁵; (n) Petitioner does not have standing to file the instant cancellation proceeding¹⁶; (o) Petitioner's trademark application is *void ab initio*¹⁷.

17. Based on the foregoing, and the argument below, Registrant's request that summary judgment be entered against Petitioner and in favor of Registrant.

III. SUMMARY JUDGMENT STANDARD

Summary judgment results if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine disputes as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c)(1), Federal Rules of Civil Procedure; *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 324-25 (1986). The evidence and the available inferences must be viewed in the light most favorable to the non-moving party. *Steele c. Shah*, 87 F.3d 1266, 1269 (11th Cir. 1996). The movant bears the initial burden of establishing the absence of a genuine issue of material fact. *Celotex*, 477 U.S. at 323. If the movant is successful, the non-moving party must come forward with admissible evidence showing a genuine issue of material fact. *Celotex*, 477 U.S. at 324. "A mere scintilla of evidence supporting the opposing party's position will not suffice; there must be enough of a showing that the jury could reasonably find for that party." *Walker v. Darby*, 911 F.2d 1573, 1577 (11th Cir. 1990).

IV. ARGUMENT

As discussed above, Registrant served a Request for Admissions on Petitioner on February 12, 2013. Petitioner had until March 18, 2013 to respond. Petitioner failed to timely respond to Registrant's Request for Admissions by the March 18th deadline. As this Board is aware, failure to respond in a timely fashion is deemed an admission. *Hobie Designs, Inc. v.*

¹⁵ See Exhibit A, Request for Admission #13.

¹⁶ See Exhibit A, Request for Admission #14.

¹⁷ See Exhibit A, Request for Admission #15.

Fred Hayman Beverly Hills, Inc., 14 USPQ2d 2064 (TTAB 1990); *Fountain of Youth Properties, Inc. v. Laura Pucktt*, Opposition No. 91163924, 2005 TTAB Lexis 513 (November 23, 2005) (If a party upon which requests for admission have been served fails to file a timely response thereto, the requests will stand admitted (automatically), and may be relied upon by the propounding party); *PSC Revenue Control Systems, Inc. v. Borland Software Corporation*, Cancellation No. 92042644 2006 TTAB Lexis 220; *Giersch v. Scripps Networks*, 85 USPQ2d 1306 (TTAB 2007). Any matter admitted (either expressly or for failure to timely respond) under Fed. R. Civ. P. 35(a) is conclusively established. Fed. R.Civ. P. 36(b); *See Texas Department of Transportation v. Tucker*, 95 USPQ2d 1241 (TTAB 2010) (admission conclusively establishes matter that is the subject of request for admission, subsequent argument to the contrary in response brief insufficient to raise genuine issue of material fact). In the instant case, Registrant's Requests should be deemed admitted and used to support a grant of summary judgment. Petitioner should not be allowed to escape the rules of this Board and the Federal Rules of Civil Procedure.

Registrant is well aware that this Board may exercise its discretion and allow Petitioner to withdraw its admissions and the replacement thereof with later-served responses. *Giersch v. Scripps Networks*, 85 USPQ2d 1306 (TTAB 2007). But in view of the amount of time Petitioner has had to respond to the requests, Registrant does not believe that such discretion should be exercised in the instant case. Registrant asserts that deeming the requests admitted and granting summary judgment is appropriate in the instant case.

Even without deeming the requests admitted, summary judgment should still be entered in favor of Registrant. Registrant's mark has not been out of use for a period of three (3) consecutive years, and Registrant has always had the intent to resume use and in fact has

resumed use as seen in its Section 8 Declaration filed on August 31, 2012 and accepted by the USPTO on February 4, 2013. *See* Exhibits D, E. Petitioner, however, is not the owner of and has not used the MEET mark in commerce, and there is a likelihood of confusion among consumers between the MEET.COM and the MEET mark which will be discussed in more detail below.

a. MEET.COM is a valid Trademark

Registrant has had a valid registration for the MEET.COM mark since its registration date of May 2, 2006. Registrant filed a Section 8 Declaration of Use of the Mark in Commerce on August 31, 2012.¹⁸ Registrant's registration for MEET.COM mark was just renewed by the United States Patent and Trademark Office on February 4, 2013 when the USPTO accepted Registrant's Section 8 declaration.¹⁹ The Section 8 filing was accompanied by a declaration of the Registrant and its exclusive licensee²⁰ and specimens of use further clarifying that the trademark has never been abandoned.²¹ The declaration of Hal Jay Greene (Registrant) includes "the date that I last used the MEET.COM mark in association with an internet dating service was October 24, 2010...Prior to October 24, 2012, the website was up and running with the MEET.COM mark displayed in association with internet dating services during the following time frames: late 2004 (October – December), sporadically in 2005, August 8, 2006- December 16, 2006, February 14, 2007- August 18, 2007, October 3, 2007-December 21, 2007, February 14, 2008-March 3, 2008, October 3, 2008-November 25, 2008, December 28, 2008-June 10, 2010 and September 2, 2010-October 24, 2012."²² The declaration of Ian Jones includes in part, "Aire Holdings, Inc. entered into a license agreement with HAL GREENE in November of

¹⁸ *See* Exhibit D, pages 1-18 attached hereto.

¹⁹ *See* Exhibit E, pages 1-2 attached hereto.

²⁰ *See* Exhibit D, pages 14-17 attached hereto.

²¹ *See* Exhibit D, pages 9-13 attached hereto.

²² *See* Exhibit D, page 14 attached hereto.

2010...Aire Holdings, Inc. then assigned that right to Interactive Personals, LLC...at the time of the agreement, HAL GREENE was using the MEET.COM trademark in commerce. I know that he was using it in commerce because I viewed his website at www.meet.com. From November of 2010 until today, I have been working diligently to get investors so that I can revise the www.meet.com website as well as launch an iPhone application under the MEET.COM name.”²³ There has never been a period of over three (3) consecutive years of non-use of the MEET.COM mark since as early as its Statement of Use was filed on February 14, 2006. The Petitioners have admitted that Registrant did not abandon its MEET.COM mark, and that even if there were periods of non-use, Registrant always had the intent to resume use of the MEET.COM mark.²⁴

Moreover, Registrant’s intent to maintain the registration of its MEET.COM mark is evidenced by its exclusive license with Interactive Designs, LLC to make, use and sell products and services related to internet dating services under the MEET.COM mark. Even if there was a period of nonuse of the MEET.COM mark, which spanned a period of time of less than three (3) consecutive years, Registrant always had the intent to resume use.²⁵ Registrant’s intent to resume use can be imputed through proof of its licensee’s extensive efforts in developing an i-Phone application for dating services using the MEET.COM mark.²⁶ Registrant is in fact still using the mark in commerce today through its licensee, Interactive Designs, LLC.²⁷ Registrant has therefore at no time abandoned its MEET.COM mark. Moreover, Petitioner admits that Petitioner has no evidence, other than screenshots from archive.org to prove that Registrant did not use its MEET.COM mark.²⁸ Based on the foregoing, Registrant has a valid registration for

²³ See Exhibit D, pages 16-17, #3-6.

²⁴ See Exhibit A, Request for Admissions #3-4.

²⁵ See Exhibit D, page 15, #4-5.

²⁶ See Exhibit D, page 17, #6-10

²⁷ See Exhibit D, pages 10-13.

²⁸ See Exhibit A, Request for Admissions #5.

the MEET.COM trademark which has not been abandoned. If for any period of time the MEET.COM mark was not being used in commerce, it was for a period of time not more than three (3) consecutive years. Therefore, the Petitioner's Abandonment and Non-Use claims must fail.

Furthermore, the Registrant's Answer and Affirmative Defenses include that Registrant has denied that no internet dating services are actually being rendered via the www.meet.com website and that the MEET.COM mark is not currently in use by Registrant as a trademark.²⁹ Registrant also denied that when Registrant filed its Statement of Use such services were not actually being rendered in US commerce, and that Registrant intended to deceive the US Trademark Office by falsely claiming use in US commerce as a trademark of MEET.COM for internet dating services when it knew that such services were not actually being rendered at the time it filed its Statement of Use.³⁰ Registrant also denied that Petitioner is entitled to cancel the registration of MEET.COM because Registrant committed fraud in falsely claiming use in US commerce of MEET.COM.³¹ Registrant has further denied that Registrant's claim of use in US commerce of MEET.COM as a trademark at least as early as of February 14, 2006 for Internet dating services in its Statement of Use was false, and that Petitioner is entitled to cancel the registration of MEET.COM.³² Registrant has further denied that Registrant has abandoned the MEET.COM mark due to subsequent discontinuance of use with the intent not to resume such use as a trademark.³³

Additionally, Registrant has asserted Affirmative Defenses including Registrant was in fact using the MEET.COM mark in commerce for the good listed in his application at least as

²⁹ See Doc. No. 6, page 67, #11-12.

³⁰ See Doc. No. 6, page 67, #15-16.

³¹ See Doc. No. 6, page 67 #17.

³² See Doc. No. 6, page 67 #18-19.

³³ See Doc. No. 6, page 67, #20.

early as of February 14, 2006, the filing date of his Statement of Use.³⁴ Registrant has at no time abandoned its MEET.COM mark, and even if there was a period of non-use of the MEET.COM mark, it was not longer than three (3) consecutive years and Registrant always had the intent to resume use.³⁵ Registrant's intent to maintain the registration of its MEET.COM mark is evidenced by its exclusive license with Interactive Designs, LLC to make, use and sell products and services related to internet dating services under the MEET.COM mark.³⁶ Registrant's intent to resume use can be imputed through proof of its licensee's extensive efforts in developing an iPhone application for dating services using the MEET.COM mark, and Registrant is in fact still using the mark in commerce today through its licensee, Interactive Designs, LLC.³⁷

Based on the foregoing, summary judgment should be entered with respect to Count II (Non-Use of the Mark) and Count III (Abandonment) of Petitioner's Petition for Cancellation.

b. Registrant has not committed fraud on the USPTO

Petitioner has no evidence that the Registrant has committed fraud on the USPTO. Federal Rule of Civil Procedure 9(b) requires that in alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake.³⁸ The Petitioner has failed to provide any circumstances with any particularity to show that Registrant has engaged in fraud before the USPTO. Therefore, Petitioner's fraud claim should be dismissed for failure to comply with Federal Rule of Civil Procedure 9(b). In addition, Petitioner has admitted³⁹ that Petitioner has no evidence that Registrant committed fraud on the USPTO and Registrant denied such

³⁴ See Doc. No. 6, page 67, #1.

³⁵ See Doc. No. 6, page 67-68, #2-3.

³⁶ See Doc. No. 6, page 68, #4.

³⁷ See Doc. No. 6, page 68, #5-6.

³⁸ *King Auto., Inc. v. Speedy Muffler King, Inc.*, 667 F.2d 1008, 212 USPQ 801, 803 (CCPA 1981) (fraud must be pleaded with particularity).

³⁹ See Exhibit A, Request for Admissions #11.

claims in its Answer and Affirmative Defenses⁴⁰. Based on the foregoing, Petitioner's fraud claim must fail.

c. There is a Likelihood of Confusion among Consumers

Petitioner admits a likelihood of confusion among consumers exists between Petitioner's MEET and Registrant's MEET.COM marks.⁴¹ Registrant has a valid registration for the MEET.COM mark,⁴² and Registrant would be injured if the MEET mark issued. Due to a similarity in the sight, sound, and meaning of the MEET and the MEET.COM marks, the marks are confusingly similar to consumers. First, the marks look very similar and sound similar, the only difference being the ".COM" portion of the MEET.COM mark differentiating it from the MEET mark. Secondly, both marks are used for the same class of goods, i.e., Internet dating services, which creates further confusion among consumers. Finally, services would be provided through the same trade channels to similar customers. Based on the aforementioned, there is a likelihood of confusion among consumers between the MEET and the MEET.COM mark, and because Registrant has a valid registration for the MEET.COM mark, Petitioner's application for the MEET mark should not be allowed.

V. CONCLUSION

Based on the foregoing, Registrants respectfully request that this Board dismiss Petitioner's Petition for Cancellation with prejudice by GRANTING Registrant's Motion for Summary Judgment.

DATED this 2nd day of April, 2013.

Respectfully submitted

⁴⁰ See Doc. No. 6, page 67, #15-19.

⁴¹ See Exhibit A Request for Admissions #10.

⁴² See Exhibit D attached hereto.

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By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via electronic mail and regular mail, postage prepaid to counsel for Petitioner on the 2nd day of April, 2013 at the following address: Keith Barritt, Esq., Fish & Richardson, P.A. P.O. Box 1022, Minneapolis, MN 55440-1022.



Attorney

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,088,340
Registered: May 2, 2006

MR. TIMOTHY PITKA,)	
)	
)	
Petitioner,)	
)	
v.)	
)	Cancellation No.: 92054391
HAL GREENE,)	
)	
Registrant.)	

REGISTRANT'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT

Registrant, HAL GREENE, ("GREENE" or "Registrant") by and through his undersigned attorneys, and propounds the following Request for Admissions pursuant to Rule 36, Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120) and requests that Petitioner, MR. TIMOTHY PITKA ("Pitka" or "Petitioner") within thirty (30) days after service of this request, admit for the purposes of this action only, the truth of the following facts. If Petitioner fails to respond to this Request for Admissions within the time provided by the Federal Rules of Civil Procedure, the matters shall be deemed admitted.

DEFINITIONS

1. As used herein, the terms "you" or "your" shall refer to Registrant, TIMOTHY PITKA, including any business entity formed, controlled or participated in by Applicant, as well as any predecessor, successor, division, subsidiary, officer, director, shareholder, employee, or principal thereof, as well as any attorney or other agent acting on his or its behalf.
2. As used herein, the term "Registrant" shall mean and refer to HAL GREENE, his agents, employees, representatives or any other person or entity purporting to act on his behalf.
3. The words "document(s)" or "record(s)" as used herein shall mean all written,

graphic, electronically stored or otherwise recorded matter, however produced or reproduced, in the actual or constructive possession, custody, care or control of you, your officers, agents, employees and attorneys, or any of them, including, but not limited to, originals and all copies of correspondence, memoranda, notes, tapes, disks, microfilms, photographs, telegrams, sound recordings, minutes of director's meetings and of committee meetings, minutes of all other types of meetings, inter-office communications, reports, contracts, licenses, agreements, pleadings, notices, orders, ledgers, books of account, vouchers, bank checks, invoices, purchase orders, charge slips, hotel charges, copies of tax returns and tax reports, receipts, freight bills, working papers, computer printouts, statistical records, delivery records, abstracts of bids, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, job, matter and transaction files, and any papers or recordings similar thereto, whether made or received by you.

4. The singular of any word used herein shall be deemed to include the plural of such word and the plural shall include the singular.

5. The word "person" as used herein shall mean any individual, firm, partnership, corporation, association, business or governmental entity or sub-division, agency, department, or other entity and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

6. The words "relate to" or "relating to" as used herein shall mean in connection with, in association with, appertaining to, regarding or involving the matter in question.

7. The words "reflect" or "reflecting" as used herein shall mean evidencing, exhibiting, indicating, revealing, or showing the matter in question.

8. As may be used herein, the term "communications" means the act or fact of communicating, whether orally, nonverbally, telephonically, electronically, telegraphically, in writing, by recording, or otherwise.

9. As used herein, the term "referring to" shall mean concerning, relating to, pertaining to, describing, reflecting, constituting, and/or evidencing, whether directly or indirectly.

10. If any document relates in any manner to a meeting or to any other conversation, all participants in the meeting or conversation are to be identified, by name, address and telephone number.

11. The term REGISTRANT refers to the Registrant, HAL GREENE.

12. The term PETITIONER refers to the Petitioner, TIMOTHY PITKA.

13. The term "Registered Mark or MEET.COM Mark" refers to the MEET.COM trademark, Registration No. 3,088,340 owned by the Registrant, HAL GREENE.

14. The term “Petitioner’s Mark or MEET Mark” refers to the trademark application filed by Petitioner for the mark MEET, Application Serial No. 85269761.

15. Where any request for admission cannot be answered in full, then state, in detail, the reasons for your inability to fully answer.

16. If you object to a request for admission or portion thereof on the grounds that it requests information that is privileged or is encompassed within the attorney work-product doctrine, then you shall provide the following information, except only to the extent it may call for the precise information you object to disclosing:

- a. the nature of the privilege or doctrine you claim;
- b. the identity of all documents subject to the privilege or doctrine you claim and the identity of all persons known to you to have seen the document;
- c. the identity of all oral communications subject to the privilege or doctrine you claim and the identity of all persons to whom the substance or the oral communication has been disclosed or made known.

17. As used in these request for admissions, the singular shall include the plural and vice versa; the use of the word “any” shall include and encompass the word “all,” and vice versa; the use of the disjunctive shall include the conjunctive, and vice versa; unless the context indicates otherwise, the use of any gender includes all genders.

REQUEST FOR ADMISSIONS

Please admit the following is true:

1. Admit that Registrant has in fact used its MEET.COM mark in association with Internet dating services.

2. Admit that Registrant was in fact using its MEET.COM mark in October of 2004 as alleged in its registration.

3. Admit that Registrant did not abandon its MEET.COM Mark.

4. Admit that even if there were periods of non-use, Registrant always had an intent to resume use of the MEET.COM Mark.

5. Admit that Petitioner has no evidence, other than screenshots from archive.org to prove that Registrant did not use its MEET.COM Mark.

6. Admit that Petitioner does not have a bona fide intent to use the MEET Mark in association with the goods and services listed in its Application.

7. Admit that TIMOTHY PITKA is not the owner of the MEET Mark.

8. Admit that TIMOTHY PITKA does not have a bona fide intent to use the MEET Mark in commerce.

9. Admit that the MEET Mark is owned by an individual or entity other than TIMOTHY PITKA.

10. Admit that there is a likelihood of confusion between the MEET Mark and the MEET.COM Mark.

11. Admit that the Petitioner has no evidence that the Registrant committed fraud on the USPTO.

12. Admit that Registrant would be damaged if Petitioner were able to obtain a registration for its MEET Mark.

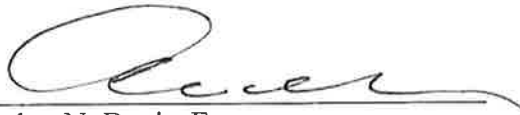
13. Admit that Petitioner has never used the MEET Mark in commerce.

14. Admit that Petitioner does not have standing to file the instant cancellation proceeding.

15. Admit that Petitioner's trademark application is *void ab initio*.

Dated this 12th day of February, 2013.

Respectfully submitted,



Amber N. Davis, Esq,
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tsanks@iplawfl.com.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was sent via electronic and regular mail, postage prepaid to Applicant on the 12th day of February, 2013, at the following address:

Keith Barritt, Esq.
Fish & Richardson, P.A.
P.O. Box 1022
Minneapolis, MN 55440-1022



Amber N. Davis, Esq.

EXHIBIT B

Amber N. Davis

From: Barbie Mahan <bmahan@iplawfl.com>
Sent: Tuesday, February 12, 2013 3:41 PM
To: barritt@fr.com
Cc: adavis@iplawfl.com
Subject: Timothy Pitka v. Hal Greene/Cancellation No.: 92054391
Attachments: First Request for Admissions (021213).pdf; First Request for Production of Documents (021213).pdf

Attached please find Registrant, Hal Greene's First Request for Admissions to Applicant and First Request to Produce. Thanks, Barbie Mahan

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EXHIBIT C

Amber N. Davis

From: Keith Barritt <barritt@fr.com>
Sent: Monday, June 11, 2012 1:38 PM
To: Amber N. Davis
Cc: Mel Erickson
Subject: RE: re: Timothy Pitka



Dear Ms. Davis:

In response to your email below, Mr. Pitka continues to be our client.

Sincerely,

Keith Barritt

 Fish & Richardson P.C.
1425 K Street N.W.
Suite 1100
Washington, DC 20005
Phone: (202) 626-6433
Fax: (202) 783-2331
www.fr.com

From: Amber N. Davis [mailto:adavis@iplawfl.com]
Sent: Monday, June 11, 2012 11:00 AM
To: Keith Barritt; Mel Erickson; tmdoctc
Subject: RE: re: Timothy Pitka
Importance: High

Mr. Barritt:

I am following-up regarding my email below. Please let me know if you are still representing Mr. Pitka. If not, please provide me with his contact information.

Thank you,

Amber N. Davis, Esq.
Litigation Associate
Beusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Ave., Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7716
Facsimile: (407) 926-7720
Email: adavis@iplawfl.com
Web: www.iplawfl.com

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From: Amber N. Davis [<mailto:adavis@iplawfl.com>]
Sent: Monday, April 16, 2012 1:56 PM
To: 'barritt@fr.com'; 'erickson@fr.com'
Subject: re: Timothy Pitka

Hello Mr. Barritt:

I am following-up on my voicemail last week. Are you still representing Mr. Pitka in the Cancellation Proceeding filed against my client, Hal Greene? If not, please provide me with the contact information for his new attorney or his personal contact information if he has decided to proceed *pro se*.

Thank you,

Amber N. Davis, Esq.
Litigation Associate
Beusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Ave., Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7716
Facsimile: (407) 926-7720
Email: adavis@iplawfl.com
Web: www.iplawfl.com

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EXHIBIT D

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3088340
REGISTRATION DATE	05/02/2006
SERIAL NUMBER	78304408
MARK SECTION	
MARK	MEET.COM
ATTORNEY SECTION (current)	
NAME	James David Jacobs
FIRM NAME	BEUSSE WOLTER ET AL
STREET	390 N ORANGE AVE STE 2500
CITY	ORLANDO
STATE	Florida
POSTAL CODE	32801
COUNTRY	United States
PHONE	407-926-7716
FAX	407-926-7720
EMAIL	trademarks@iplawfl.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY SECTION (proposed)	
NAME	Amber N. Davis, Esq.
FIRM NAME	BEUSSE WOLTER SANKS MORA & MAIRE, P.A.

STREET	390 N ORANGE AVE STE 2500
CITY	ORLANDO
STATE	Florida
POSTAL CODE	32801
COUNTRY	United States
PHONE	407-926-7716
FAX	407-926-7720
EMAIL	trademarks@iplawfl.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (current)	
NAME	AMBER N DAVIS
FIRM NAME	BEUSSE WOLTER ET AL
STREET	390 N ORANGE AVE STE 2500
CITY	ORLANDO
STATE	Florida
POSTAL CODE	32801
COUNTRY	United States
PHONE	407-926-7716
FAX	407-926-7720
EMAIL	trademarks@iplawfl.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (proposed)	
NAME	Amber N. Davis, Esq.
FIRM NAME	BEUSSE WOLTER SANKS MORA & MAIRE, P.A.
STREET	390 N ORANGE AVE STE 2500
CITY	ORLANDO
STATE	Florida
POSTAL CODE	32801
COUNTRY	United States

PHONE	407-926-7716
FAX	407-926-7720
EMAIL	trademarks@iplawfl.com;adavis@iplawfl.com; tsanks@iplawfl.com; sgoff@iplawfl.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
GOODS OR SERVICES	Internet dating service
SPECIMEN FILE NAME(S)	
JPG FILE(S)	<u>\\TICRS\EXPORT11\IMAGEOUT 11\783\044\78304408\xml6\S080002.JPG</u>
ORIGINAL PDF FILE	<u>SPN0-7141212190-153706483 . iTunes Store meet.com app .pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\783\044\78304408\xml6\S080003.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\783\044\78304408\xml6\S080004.JPG</u>
ORIGINAL PDF FILE	<u>SPN0-7141212190-153706483 . Meet.Com About page.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	<u>\\TICRS\EXPORT11\IMAGEOUT11\783\044\78304408\xml6\S080005.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\783\044\78304408\xml6\S080006.JPG</u>
SPECIMEN DESCRIPTION	Webpages from Registrant's website www.meet.com wherein the trademark MEET.COM is used in association with a website that offers internet dating services as well as a mobile application which can be purchased on iTunes under the MEET.COM name wherein the app also offers internet dating services.
MISCELLANEOUS STATEMENT	Although Registrant understands that it is not necessary to respond to the questions posed in the office action dated May 22, 2012, Registrant wanted to respond to make sure it is clear that the trademark has not been abandoned. Therefore, each of the questions posed in the office action (1-4) are answered in the attached Declarations of Hal Greene (trademark owner) and Ian Jones (exclusive licensee).
ORIGINAL PDF FILE	<u>MISC-7141212190-153706483 . Hal Greene Declaration.pdf</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT 11\783\044\78304408\xml6\</u>

	<u>S080007.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT 11\783\044\78304408\xml6\</u> <u>S080008.JPG</u>
ORIGINAL PDF FILE	<u>MISC-7141212190-153706483 . Ian Jones Declaration.pdf</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT 11\783\044\78304408\xml6\</u> <u>S080009.JPG</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT 11\783\044\78304408\xml6\</u> <u>S080010.JPG</u>
OWNER SECTION (current)	
NAME	Greene, Hal
STREET	P.O. Box 457
CITY	Lake Hopatcong
STATE	New Jersey
ZIP/POSTAL CODE	07849
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	100
GRACE PERIOD	100
TOTAL FEE PAID	200
SIGNATURE SECTION	
SIGNATURE	/Hal Greene/
SIGNATORY'S NAME	Hal Greene
SIGNATORY'S POSITION	Owner

DATE SIGNED	08/31/2012
SIGNATORY'S PHONE NUMBER	973-667-6767
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Fri Aug 31 15:51:21 EDT 2012
TEAS STAMP	USPTO/SECT08-71.41.212.19 0-20120831155121808099-30 88340-4901f5fbb828c98cb4f 55aa813c925c37c-CC-3842-2 0120831153706483136

**Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 3088340

REGISTRATION DATE: 05/02/2006

MARK: MEET.COM

The owner, Hal Greene, a citizen of United States, having an address of
P.O. Box 457
Lake Hopatcong, New Jersey 07849
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 045, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: Internet dating service ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Webpages from Registrant's website www.meet.com wherein the trademark MEET.COM is used in association with a website that offers internet dating services as well as a mobile application which can be purchased on iTunes under the MEET.COM name wherein the app also offers internet dating services..

JPG file(s):

Specimen File1

Original PDF file:

SPN0-7141212190-153706483 . iTunes Store meet.com app .pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

Original PDF file:

SPN0-7141212190-153706483 . Meet.Com About_page.pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

MISCELLANEOUS STATEMENTS

Although Registrant understands that it is not necessary to respond to the questions posed in the office action dated May 22, 2012, Registrant wanted to respond to make sure it is clear that the trademark has not been abandoned. Therefore, each of the questions posed in the office action (1-4) are answered in the attached Declarations of Hal Greene (trademark owner) and Ian Jones (exclusive licensee).

Original PDF file:

MISC-7141212190-153706483 . Hal Greene Declaration.pdf

Converted PDF file(s) (2 pages)

Miscellaneous File1

Miscellaneous File2

Original PDF file:

MISC-7141212190-153706483 . Ian Jones Declaration.pdf

Converted PDF file(s) (2 pages)

Miscellaneous File1

Miscellaneous File2

The registrant's current Attorney Information: James David Jacobs of BEUSSE WOLTER ET AL

390 N ORANGE AVE STE 2500

ORLANDO, Florida (FL) 32801

United States

The registrant's proposed Attorney Information: Amber N. Davis, Esq. of BEUSSE WOLTER SANKS MORA & MAIRE, P.A.

390 N ORANGE AVE STE 2500

ORLANDO, Florida (FL) 32801

United States

The phone number is 407-926-7716.

The fax number is 407-926-7720.

The email address is trademarks@iplawfl.com.

The registrant's current Correspondence Information: AMBER N DAVIS of BEUSSE WOLTER ET AL

390 N ORANGE AVE STE 2500

ORLANDO, Florida (FL) 32801

United States

The registrant's proposed Correspondence Information: Amber N. Davis, Esq. of BEUSSE WOLTER SANKS MORA & MAIRE, P.A.

390 N ORANGE AVE STE 2500

ORLANDO, Florida (FL) 32801

United States

The phone number is 407-926-7716.

The fax number is 407-926-7720.

The email address is trademarks@iplawfl.com;adavis@iplawfl.com; tsanks@iplawfl.com; sgoff@iplawfl.com.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Hal Greene/ Date: 08/31/2012

Signatory's Name: Hal Greene

Signatory's Position: Owner

Signatory's Phone Number: 973-667-6767

Mailing Address (current):

BEUSSE WOLTER ET AL
390 N ORANGE AVE STE 2500
ORLANDO, Florida 32801

Mailing Address (proposed):

BEUSSE WOLTER SANKS MORA & MAIRE, P.A.
390 N ORANGE AVE STE 2500
ORLANDO, Florida 32801


Serial Number: 78304408


Internet Transmission Date: Fri Aug 31 15:51:21 EDT 2012

TEAS Stamp: USPTO/SECT08-71.41.212.190-2012083115512


1808099-3088340-4901f5fbb828c98cb4f55aa8

13c925c37c-CC-3842-20120831153706483136







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Get Text Updates

Phone Number

Carrier

Alltel

Register

<http://itunes.apple.com/us/app/meet.com/id500671008?mt=8&ls=1>

iTunes Preview

[What's New](#)

[What is iTunes](#)

[What's on iTunes](#)

[iTunes Charts](#)

[How To](#)

Meet.com

[View More By This Developer](#)

By Interactive Personals LLC

Open iTunes to buy and download apps.



Description

Join the Meet.com mobile social network. It's not just dating.

Instantly meet your friends from Facebook and other social networks. You can even meet new people in your area.

[Meet.com Support](#)

[More](#)

iPhone Screenshots



Free

Category: Lifestyle

Released: Aug 17, 2012

Version: 1

Size: 8.1 MB

Language: English

Seller: Interactive Personals LLC

© Interactive Personals LLC

You must be at least 17 years old to download this app.

Frequent: Intense

Mature: Suggestive Themes

Frequent: Intense Profanity or Crude Humor

Infrequent: Mild Sexual Content or Nudity

Infrequent: Mild Alcohol, Tobacco, or Drug Use or

References

Requirements: Compatible with iPhone 3GS, iPhone 4, iPhone 4S, iPod touch (3rd generation), iPod touch (4th generation) and iPad. Requires iOS 3.2 or later.

Customer Ratings

We have not received enough ratings to display an average for the current version of this application.

Customer Reviews

Cool concept

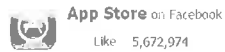
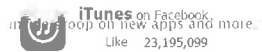
by MoeHac

This a cool app!!

Meet.com social meeting App

by Apple App reviews US

Awesome app! Great design and layout. The push messaging feature is awesome. Emails are so 10 years ago. You guys are on to something big. Can't wait to see the new updates!



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[App Store Volume Purchase](#)

iTunes Store

[Browse iTunes Store](#)
[Browse App Store](#)
[Buy Music Now](#)
[Buy iTunes Gift Cards](#)
[Redeem iTunes Gift Cards](#)
[iTunes Corporate Sales](#)
[Free Single of the Week](#)
[Inside iTunes](#)

Shop the Apple Certified store (1-800-MY-APPLE), visit an Apple Retail Store, or find a reseller.

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About



Meet is a start-up dedicated to finding new ways for people to connect. Our mobile phone application uses creative technology to help users make new friends and reconnect with old ones on social networks like Facebook and Google Plus.

Meet.com™ is meant to be mobile. It uses GPS technology to instantly locate girls and guys in your area. MEET is quick, convenient, and private. How much info you share with them is entirely up to you. New in town? Wondering when your friends from Facebook are hanging out close to you? Tap into MEET. On a trip? Use MEET to find a local who'd like to show you around. Hanging at home? Make MEET your go-to place and see who's looking to meet up. No matter where you find yourself, MEET is the go-to app for socializing in seconds with new and old friends. Simply register, log in, and start finding new friends around you!

 Available for iPhone, iPad and iPod Touch

Coming Soon   BlackBerry

Twitter 0



Nearby

Browse for other members near your location, with similar interests.

Profile

Sign in by using your Facebook profile then take a few pictures and a quick video for other members to learn more about you.



Invite Friends

Share the Meet app by sending invitations to your friends via Facebook, Twitter, Email and SMS directly from your profile.

Messages / Poke

Poke to attract the attention of other members. Chat directly with your online friends or leave a message for them the next time they log in.



Ian Jones is the Visionary founder behind Meet.com™. He has over 10 years of expertise in the Internet dating arena. His previous company marketed online dating websites and successfully fostered the growth of several large online dating companies such as Friendfinder and Match.com. Under his direction, his company doubled revenues, year over year from 2005 to 2008. Seeing the growth in the smartphone market, Jones knows it's only a matter of time before mobile applications become THE next wave of wealth creation.

Jones holds an M.B.A. and B.A. degree from Stetson University's School of Business Administration, where he focused on Internet marketing and became an Internet entrepreneur. Jones also holds a J.D. from Barry University's School of Law.

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Register



The Vision



Florida Tech Journal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO. 3088340

REGISTRANT: Greene, Hal

CORRESPONDENT'S ADDRESS:

Amber N. Davis, Esq.
Beusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Ave., Suite 2500
Orlando, Florida 32801

MARK: MEET.COM

CORRESPONDENT'S REFERENCE/DOCKET NO: 12087-005

CORRESPONDENT'S EMAIL ADDRESS:

trademarks@iplawfl.com

**DECLARATION OF HAL JAY GREENE IN SUPPORT OF RESPONSE TO POST-
REGISTRATION OFFICE ACTION**

Pursuant to 28 U.S.C. §1746, I, HAL JAY GREENE, hereby declare as follows:

1. I, HAL JAY GREENE, am the owner of the trademark registration MEET.COM for an "internet dating service" (Registration No. 3088340).
2. To answer the questions proposed in the Post Registration Office Action, the date that I last used the MEET.COM mark in association with an internet dating service was **October 24, 2010**. At that time, the website www.meet.com was live and available to the public. The website had the MEET.COM mark displayed on the website and customers were able to, and did in fact, sign up for the purposes of online dating.
3. Prior to October 24, 2012, the website was up and running with the MEET.COM mark displayed in association with internet dating services during the following timeframes: late 2004 (October – December), sporadically in 2005, August 8, 2006 – December 16, 2006, February 14, 2007 – August 18, 2007, October 3, 2007 – December 21, 2007, February 14, 2008 – March 3, 2008, October 3, 2008 – November 25, 2008, December 28, 2008 – June 10, 2010 and September 2, 2010 – October 24, 2012.

4. During this time period, several hundred people did in fact join the website and set up profiles. The reason the website would go up and down throughout the years is primarily for lack of funding. I was trying to get investors to invest in the website and trademark, but was unsuccessful.

5. In 2010, I was approached by Ian Jones, the President and CEO of Aire Holdings, Inc. and Interactive Personals, LLC and in November of 2010 I entered into a Trademark and Domain License and Option to Purchase Agreement pertaining to the www.meet.com domain name and the MEET.COM trademark with Aire Holdings, Inc. As part of the agreement, Aire Holdings, Inc. was given an exclusive license to the MEET.COM mark. That right was then assigned to Interactive Personals, LLC. Therefore, any activity after November of 2010 as it pertains to the MEET.COM mark was done by Aire Holdings, Inc. and/or Interactive Personals, LLC.

6. It is my understanding that over the past two years, Interactive Personals, LLC has also been trying to get investors and has been working on updating the website as well as creating a mobile phone app. In fact, a review of www.meet.com indicates that Interactive Personals, LLC has recently begun using the MEET.COM mark again in commerce and has in fact just launched its MEET.COM iPhone app. *See* specimens attached to Statement of Use.

8. Interactive Personals can discuss the steps that it took over the past two years to resume use, but the approximate date when use is expected to resume has already occurred. *See* specimens attached to Statement of Use.

DATED this 30th day of August, 2012.

A handwritten signature in black ink, appearing to read "Hal Greene". The signature is fluid and cursive, with the first name "Hal" being more prominent than the last name "Greene".

HAL JAY GREENE, MEET.COM Trademark Owner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO. 3088340

REGISTRANT: Greene, Hal

CORRESPONDENT'S ADDRESS:

Amber N. Davis, Esq.
Beusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Ave., Suite 2500
Orlando, Florida 32801

MARK: MEET.COM

CORRESPONDENT'S REFERENCE/DOCKET NO: 12087-005

CORRESPONDENT'S EMAIL ADDRESS:

trademarks@iplawfl.com

**DECLARATION OF IAN JONES IN SUPPORT OF RESPONSE TO POST-
REGISTRATION OFFICE ACTION**

Pursuant to 28 U.S.C. §1746, I, IAN JONES, hereby declare as follows:

1. I, IAN JONES, am the manager and owner of Interactive Personals, LLC, a Florida limited liability company and Aire Holdings, Inc., a Florida Corporation.
2. Interactive Personals, LLC is the exclusive licensee of the trademark registration MEET.COM for an "internet dating service" (Registration No. 3088340).
3. Aire Holdings, Inc. entered into a license agreement with HAL GREENE in November of 2010 wherein Aire Holdings, Inc. was granted the exclusive worldwide right to use, reproduce, publish, perform and display the MEET.COM trademark in association with the advertisement and sale of any and all goods and services.
4. Aire Holdings, Inc. then assigned that right to Interactive Personals, LLC.

5. At the time of the agreement, HAL GREENE was using the MEET.COM trademark in commerce. I know that he was using it in commerce because I viewed his website at www.meet.com.

6. From November of 2010 until today, I have been working diligently to get investors so that I can revise the www.meet.com website as well as launch an iPhone application under the MEET.COM name.

7. I have spent a significant amount of time and money on developing both the www.meet.com website and the MEET.COM app and have received money from several investors to help in this venture.

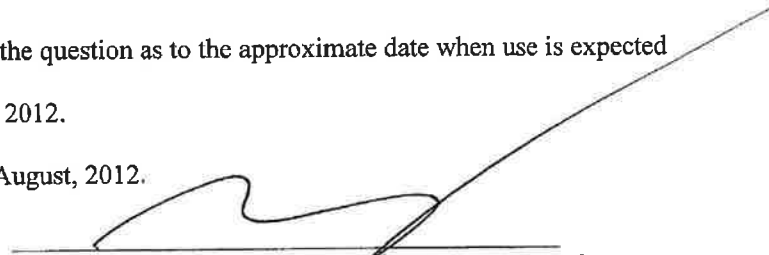
8. I entered into a contract with Echo Interaction Group, Inc. an interactive and marketing firm back in July of 2011 pertaining to the development of the MEET.COM iPhone app as well as the www.meet.com website.

9. I also entered into a contract with iTunes for the iPhone app and Amazon.com pertaining to the hosting of the www.meet.com website.

10. After almost two full years of hard work, the website and the iPhone app were just recently launched on Tuesday, August 21, 2012 as seen in the screenshots from the website attached to the Statement of Use filed concurrently with this response to the Post-Registration Office Action.

11. Therefore, to answer the question as to the approximate date when use is expected to resume, it resumed on August 21, 2012.

DATED this 31 day of August, 2012.



IAN JONES on behalf of Interactive Personals, LLC
MEET.COM exclusive licensee

ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 3088340**Serial Number:** 78304408**RAM Sale Number:** 3842**RAM Accounting Date:** 20120904**Total Fees:** \$200

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20120831	\$100	1	1	\$100
Grace period for §8	7206	20120831	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20120831

EXHIBIT E

From: TMOOfficialNotices@USPTO.GOV
Sent: Monday, February 4, 2013 11:00 PM
To: trademarks@iplawfi.com
Subject: Trademark RN 3088340: Official Notice of Acceptance under Section 8 of the Trademark Act

Serial Number: 78304408
Registration Number: 3088340
Registration Date: May 2, 2006
Mark: MEET.COM
Owner: Greene, Hal

Feb 4, 2013

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
045

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE**

REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78304408>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.